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given definiteness by the connection with concrete applications. Again, the teacher and investigator will be under the pressure of having to argue out his theories with students thoroughly trained in the dogmatic law, and this will make for clearer and better thinking in the purely theoretical courses. Above all, however, the teaching of the ordinary professional courses will be fertilized. The theoretical courses will make themselves felt in each dogmatic course. Each set will react upon the other, so that if the one will be rendered more exact and solid, the other will be made more scientific and liberal."

LINDSAY ROGERS

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CONSTITUTIONAL POWER AND WORLD AFFAIRS, by George Sutherland. (New York: Columbia University Press, 1919, pp. 202.)

Book reviewers are in need of a table in which, under the appropriate heading and subheading, they could discover the sort of volume that an author, with certain attainments, might be expected to produce. In the present case, Mr. Sutherland was the Blumenthal Lecturer before Columbia University; he has been President of the American Bar Association, and served two terms in the United States Senate. But there is no *index librorum* to suggest what kind of book might reasonably be expected.

It certainly differs from volumes which have previously come from the Blumenthal Foundation: President Wilson's *Constitutional Government in the United States*, Professor Ford's *The Cost of Our National Government*, or Senator Williams' *Thomas Jefferson*. Mr. Sutherland's exposition is frequently *cliché* and there is little attempt to do more than summarize what courts and writers on the Constitution have said about the problem discussed. Fortunately, the style of the usual presidential address before the American Bar Association is seldom apparent, but the lectures contain evidences of the manner which is commonly said to be frequent in the British Parliament: that of saying a perfectly obvious thing with impressive verbal gestures.

The lectures discuss most of the points that must be mentioned in any complete outline of the authority of the Federal Government over foreign affairs and such a discussion is at this time very valuable and timely. Mr. Sutherland gives his views, which, with a few exceptions are orthodox, concerning the origin and extent of the constitutional authority. The nature, basis, distribution, extent and limitations of the war powers are fully considered, and the treaty-making prerogative is stated to be unlimited by any reserved rights of the states, so long as the treaty relates to a matter that is properly the subject of international negotiation.

Two very important subjects, however, are barely discussed, and they are, at the present time, the most vital in connection with the power over foreign relations. What are the limits of the President's power of negotiation in connection with the power of the Senate to ratify, and is it possible for the Federal Government to enforce treaties, even though it has no such general legislative authority and must enter

the zone hitherto reserved to the police power of the States? For example, may a national eight hour day law (not confined to interstate commerce, etc.) be passed to enforce the labor covenant of the Peace Treaty? Concerning these questions Mr. Sutherland says that the President and the Senate should coöperate and that, when necessary to enforce treaties, the powers of Congress extend beyond those enumerated. But what is needed now is an elaborate and reasoned study of these questions which are not free from difficulty. Recent events have shown the necessity for an exact demarcation of the Presidential and Senatorial prerogatives, and if the United States is not to be compelled to allow the fulfillment of its international obligations to be dependent upon the uncertain whims of forty-eight States, the doctrine must be accepted—anathema though it will be to one school of constitutional interpretation—that Congress may enforce its treaties and do this as if there were no reserved rights of the States.

Mr. Sutherland's analysis of the matters he discusses is purely legal; we are given constitutional law as it is in books and decisions. Constitutional law in action—what Presidents and Senates have done and what they should do—is a field of inquiry which will give valuable results. But Mr. Sutherland's use of the legal viewpoint should not be criticised, since we cannot go for a rule on the question to that reference table for reviewers, the absence of which was deplored in beginning this notice.

LINDSAY ROGERS.

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THE LIFE OF JOHN CALDWELL CALHOUN, in two volumes, by William M. Meigs. (New York: The Neale Publishing Co., 1917.)

This work, the latest and most complete biography of the great South Carolinian, furnishes gratifying proof of the fact that Northerners are seeing far more clearly than they did formerly the Southern point of view in the great sectional struggle waged first in the halls of Congress, in State Legislatures and upon the stump, and finally upon the battle-field. Mr. Meigs speaks, for example, of "the difficulty and even pathos of the Southern position upon the whole subject of slavery. It was a perfectly legal system, hedged around on all sides by the en-crusted law-growth of centuries, \* \* \*. They did not, moreover, create the system but inherited it from a long gone past, and their ancestors had slowly established it with the active aid and keen profit-sharing participation of the very communities now seeking to drive it from the world. Slavery had suited their climate and the needs of the labor required and had grown so much to be an integral part of themselves that they could see no way to shake it off. As was but natural, too, when attacked, they at once bridled up, clung closer and closer to the system and soon proclaimed it to be a blessing.

"In this much criticised assertion of theirs, \* \* \* they by no means meant that, should a new continent arise in the world, they would advocate the introduction of slavery into it, but merely that in their own homes, where existed side by side a race of masterful whites